

DIRECTIONS WHILE DECLARATION OF EMERGENCY DATED 29 APRIL 2021 IS IN FORCE

Sections 157(1A), 263, 264 and 268(4) of the *Corrective Services Act 2006*

On 29 April 2021, I, Peter Martin APM, Commissioner, Queensland Corrective Services (**QCS**), with the approval of the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, declared that an emergency exists in relation to all corrective services facilities for the period commencing on 29 April 2021 and expiring at 11:59pm on 29 June 2021 (the **Declaration**).

The Declaration was made following extensive consultation with the Chief Health Officer, Queensland Health and the State Health Emergency Coordination Centre (**SHECC**) who believed it was necessary to make the Declaration to assist in containing, or to respond to, the spread of COVID-19 within corrective services facilities and the wider community.

As a result of an increase in community transmission of the Delta variant of COVID-19 in New South Wales and pursuant to her powers under section 362B of the *Public Health Act 2005*, the Queensland Chief Health Officer has declared that:

- the Waverley Local Government area is a **COVID-19 hotspot** effective from 1am on 19 June 2021; and
- numerous Local Government Areas in the Greater Sydney, Central Coast, Blue Mountains, Wollongong and Shellharbour regions of New South Wales are **COVID-19 hotspots** effective from 1am on 24 June 2021.

In addition to this, the Queensland Chief Health Officer has directed that anyone who has been in one of these Local Government Areas since their identified start date as a **COVID-19 hotspot** is not allowed to enter Queensland unless they are a Queensland resident or have an exemption and anyone who is allowed to enter Queensland must enter hotel quarantine.

Today, in response to the growing number of declared **COVID-19 hotspots** in New South Wales, the infectious nature of the Delta variant of COVID-19, the border restrictions implemented by the Chief Health Officer and recognising that the safety, welfare and human rights of prisoners and staff are paramount considerations for QCS, I direct as follows:

1. I have made a decision pursuant to section 157(1A) of the *Corrective Services Act 2006* (**CS Act**) to suspend all visitor access approvals for personal visitors to all corrective services facilities by anyone who has been in New South Wales in the preceding 14 days (**the Suspension Decision**).
2. in reaching the Suspension Decision, I have considered:
 - a. the effect of a proposed suspension on a child for whom approval has been given to accompany the visitor; and
 - b. whether the child may, unaccompanied by an adult, visit the prisoner. I consider that, in light of the current COVID-19 health emergency, the entry of any person, including children, could potentially put corrective services facilities at risk;
3. the Suspension Decision will remain in place until further notice, for a period of up to one year;

4. any **staff member** who has been in a **COVID-19 hotspot, interstate area of concern, interstate exposure venue, a named location** or identified as a **close contact** must:
 - a. immediately inform their direct supervisor in writing and not attend at their place of work (whether that place is a corrective services facility or otherwise);
 - b. undergo a test for COVID-19;
 - c. comply with all directions given by their direct supervisor and Queensland Health in relation to their COVID-19 test and self-isolation, quarantine requirements or mask wearing requirements;
5. otherwise, any other person who was:
 - a. in a **COVID-19 hotspot** or an **interstate exposure venue** will not be allowed to enter a corrective services facility unless and until 14 days have passed since they were at the **COVID-19 hotspot** or **interstate exposure venue**;
 - b. in an **interstate area of concern** will not be allowed to enter a corrective services facility if they have been in the **interstate area of concern** in the 14 days prior or since the start date identified for the **interstate area of concern**, whichever period is shorter, unless they have obtained a negative COVID-19 test result in Queensland prior to entering the corrective services facility (and have not been issued a quarantine order by Queensland Health) and they are entering for one of the following purposes:
 - i. providing goods and services which are essential for the effective operation of the corrective services facility;
 - ii. providing health services;
 - iii. emergency management, law enforcement or the exercise of a power or function of a government agency or entity under a law;
 - iv. an end of life visit for a prisoner;
 - c. in a **named location** or identified as a **close contact**, must provide evidence that they have complied with all Queensland Health directions in relation to testing for COVID-19, self-isolation and quarantine requirements and have been cleared by Queensland Health before entering a corrective services facility.
6. the wearing of face masks as approved personal protective equipment is strongly encouraged for all Staff Members and visitors to any corrective services facility, including when transporting a prisoner, in circumstances where social distancing is not possible, or otherwise as directed by Queensland Health personnel;
7. the wearing of face masks as approved personal protective equipment is mandatory for all prisoners who have COVID-19 symptoms, as determined by Queensland Health personnel, when they are required to leave their cells including while being transported outside a corrective services facility;
8. the following QCS policies will apply to all corrective services facilities:
 - a. 'Managing new admission reception prisoners and COVID-19 isolation'
 - b. 'Managing 'at risk' employees'; and
 - c. 'Managing Vulnerable Prisoners';
9. For the purposes of these directions:

- a. **staff member** has the meaning given in the CS Act;
- b. a **close contact** is a person who has been identified as:
 - i. a close contact of a person diagnosed with COVID-19 by a Queensland public health officer; or
 - ii. a close contact or casual contact of a person diagnosed with COVID-19 by an interstate government authority;
- c. a **named location** is a place for which an active contact tracing alert has been published on the Queensland Health website, provided that the individual was in the named location during the times specified in the alert;
- d. a **COVID-19 hotspot** means a place which has been declared as a COVID-19 hotspot by the Chief Health Officer and is published on the Queensland Health website, provided the individual was in the COVID-19 hotspot since the identified start date and time for the COVID-19 hotspot
- e. an **interstate exposure venue** means an interstate site for which an alert has been published on the Queensland Health website, provided that the individual was at the Interstate exposure site during the times specified in the alert.
- f. an **interstate area of concern** means a particular area of Australia decided by the Chief Health Officer and published on the Queensland Health website provided that the individual was in the interstate area of concern since the identified start date and time for the interstate area of concern.

These directions are made pursuant to sections 263(2), 264 and 268(4) of the *Corrective Services Act 2006 (CS Act)*. They have been made in consultation with Queensland Health, the Chief Health Officer and the State Health Emergency Coordination Centre and in accordance with the approach taken by the Queensland Government to prevent the transmission of COVID-19.

Given the high risks to a vulnerable prison population if COVID-19 were to enter a corrective services facility, and the medical advice received, I consider that any impact on the human rights of prisoners, staff, family members or any other person as a result of these directions is demonstrably justifiable.

These directions will take effect from immediately upon signing, revoking and replacing the previous directions made by me pursuant to sections 263(2) and 268(4) of the CS Act on 27 May 2021. These directions will remain in place until revoked or replaced by me.



Peter Martin APM

Commissioner, Queensland Corrective Services

24 June 2021